



General Assembly

Amendment

January Special Session, 2008

LCO No. **10085**

SB0170010085SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

To: Senate Bill No. **1700**

File No.

Cal. No.

"AN ACT CONCERNING CRIMINAL JUSTICE REFORM."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) Notwithstanding any
4 other provision of the general statutes, whenever a person (1) stands
5 convicted of murder, manslaughter, arson, kidnapping, robbery in the
6 first or second degree, robbery involving an occupied motor vehicle,
7 assault constituting a felony, sexual assault in the first degree,
8 aggravated sexual assault in the first degree, sexual assault in the third
9 degree, sexual assault in the third degree with a firearm, home
10 invasion, burglary in the first or second degree or stalking in the first
11 degree, and (2) has been, prior to the commission of the present crime,
12 two or more times convicted in this state or in any other state or in a
13 federal system for (A) any of the crimes enumerated in subdivision (1)
14 of this subsection or any predecessor statutes in this state, or an
15 attempt to commit any of said crimes, or (B) in any other state, any

16 crimes the essential elements of which are substantially the same as
17 any of the crimes enumerated in subdivision (1) of this subsection, the
18 court shall sentence such person to a term of life imprisonment
19 without the possibility of release, provided such sentence may be
20 reviewed, upon application of the person to the superior court for the
21 judicial district in which such conviction was rendered, after such
22 person has served at least thirty years of the sentence.

23 (b) Upon receipt of such application for the purpose of a sentence
24 review, the court shall review the complete criminal record of the
25 applicant including, but not limited to, sentencing transcripts, victim
26 statements and correctional records and conduct a hearing regarding
27 the application. At such hearing, the court shall permit any victim of
28 the applicant and any prosecuting attorney to appear before the court
29 for the purpose of making a statement for the record concerning
30 whether or not to modify the sentence of the applicant. In lieu of such
31 appearance, the victim or prosecuting attorney may submit a written
32 statement to the court and the court shall make such statement a part
33 of the record at the hearing.

34 (c) After such review and hearing pursuant to subsection (b) of this
35 section, the court may (1) reduce the sentence as the court deems
36 appropriate, (2) modify the sentence to a period of special parole or
37 probation, or (3) leave the sentence unaltered. The decision of the court
38 in each case is final and the reasons for such decision shall be stated
39 therein. If the court does not reduce or modify the sentence, the
40 applicant may apply for another sentence review not less than five
41 years after the court has rendered its decision.

42 (d) It shall be an affirmative defense to a charge under this section
43 that (1) as to any prior conviction on which the state is relying the
44 defendant was pardoned on the ground of innocence, and (2) without
45 such conviction, the defendant was not two or more times convicted
46 and imprisoned as required by this section."